

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 EPA-04 DRC-01 ABF-01 AGR-20 CIAE-00

COME-00 DODE-00 DOTE-00 EB-11 HEW-08 HUD-02 INR-11

INT-08 LOC-01 NASA-04 NSAE-00 NSF-04 OMB-01 RSC-01

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R 181130Z JUL 74

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC 6244

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E.O. 11652: N/A

TAGS: OSCI, TPHY, TBIO, TS

SUBJ: GOT DESIRE NEGOTIATE MODEL AGREEMENT

REF: TUNIS 3876, DEPT A-5296, JUNE 28, 1974;

DEPT A-5473, JULY 9, 1974

PASS DHEW/PHS, AND HEWS/SRS

SUMMARY: UNTIL USG RESPONDS TO OFFICIAL GOT REQUEST TO NEGOTIATE "MODEL AGREEMENT" COVERING ALL SFCP PROJECTS, GOT IS UNLIKELY APPROVE ANY NEW SFCP PROJECTS. GOT CONCERNED AT PRESENT WITH ESTABLISHING GENERAL TERMS AND CONDITIONS REGARDING ADMINISTRATIVE IMPLEMENTATION OF VARIOUS PROJECTS. EMBASSY RECOMMENDS THAT WE GIVE AFFIRMATIVE RESPONSE TO GOT NOTE AND THAT WASHINGTON AGENCIES DEVELOP DRAFT PROPOSAL FOR TEXT OF "MODEL AGREEMENT" WHICH CAN BE SUBMITTED TO GOT FOR ITS CONSIDERATION. END SUMMARY.

1. WHILE WE HAVE NO OBJECTION TO DHEW/PHS/NIH SFCP-PROJECT NO 07-002-1 ENCLOSED WITH STATE A-5296 OR TO LIMITED OFFICIAL USE

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DHEW/SRS PROJECT NO 19-P-58375-F-01 ENCLOSED WITH

STATE A-5473, AND IN FACT THINK THEY COULD BE GOOD PROJECTS BENEFICIAL TO BOTH US AND TUNISIA, WE BELIEVE IT WOULD SERVE NO PURPOSE TO SUBMIT PROJECTS TO GOT AT THIS TIME. AS POINTED OUT TUNIS REFTEL, GOT DESIRES NEGOTIATE SINGLE "MODEL AGREEMENT" COVERING ALL SFCP PROJECTS WITH GOT AGENCIES, TUNISIAN OFFICIALS HAVE INFORMED EMBASSY THAT, WITH POSSIBLE EXCEPTION EPA STABILIZATION POND PROJECT, GOT WILL NOT APPROVE ANY MORE NEW SFCP PROJECTS UNTIL MODEL AGREEMENT NEGOTIATED.

2. MIN. OF FOREIGN AFFAIRS, MIN. OF FINANCE, AND POSSIBLY REPS OF OTHER TUNISIAN AGENCIES DO NOT APPEAR CONCERNED AT THIS TIME WITH SUBSTANTIVE AND SCIENTIFIC ASPECTS OF VARIOUS PROJECTS, BUT RATHER WITH GENERAL "BIOLERPLATE" ADMINISTRATIVE LANGUAGE CONCERNING BUDGET, PAYMENTS, PATENTS, DISPOSAL OF EQUIPMENT, ETC. IT IS THIS LANGUAGE THAT HAS HELD UP ZINC NUTRITION PROJECT FOR OVER YEAR AND HALF, AND WS CURRENTLY HOLDING UP SEVERAL OTHER PROJECTS AS WELL. MOFA OFFICIAL HAS TOLD US THAT GOT HAS PROPOSED CONCLUSION OF "MODEL AGREEMENT" CONTAINING ADMINISTRATIVE LANGUAGE ACCEPTABLE TO BOTH GOT AND US AGENCIES IN PART IN ORDER TO SPEED UP PROJECT APPROVAL PROCESS. ONCE THIS LANGUAGE AGREED UPON, IT COULD BE INCORPORATED INTO ALL PROJECTS. MOFA OFFICIAL ASSURED US THAT ONCE MODEL AGREEMENT DEVELOPED, MOFA'S ROLE WOULD THEN BE SIMPLY TO TRANSMIT PROJECTS TO CONCERNED GOT AGENCY WHICH WOULD HAVE AUTHORITY APPROVE AND SIGN PROJECTS ON BEHALF GOT.

3. COMMENT: IT GOT PREPARED EXPEDITE APPROVAL OF SFCP PROJECTS ONCE MODEL AGREEMENT NEGOTIATED, WE BELIEVE SUCH AGREEMENT COULD FACILITATE IMPLEMENTATION OF SFCP PROGRAM, WHICH IS INCREASINGLY PLAGUED BY DELAYS IN APPROVAL. IN ANY CASE, WE MAY NOT HAVE MUCH CHOICE SINCE CONTINUATION OF PROGRAM APPEARS DEPENDENT UPON MODEL AGREEMENT WITH EXCEPTION VERY FEW PROJECTS WITH PRIVATE TUNISIAN ENTITIES AND SMITHSONIAN INSTITUTE PROJECTS WHICH ARE COVERED BY MMSC AGREEMENT. LIKELY THAT GOT WILL ALSO SEEK APPLY TERMS OF MODEL AGREEMENT TO SMITHSONIAN PROJECTS SINCE IT HAS INDICATED DESIRE LIMITED OFFICIAL USE

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REEXAMINE MMSC AGREEMENT IN FUTURE. WE RECOGNIZE, AS NOTED TUNIS REFTEL, THAT NEGOTIATING SINGLE AGREEMENT SUITABLE TO ALL PROJECTS INVOLVING GOT MAY POST PROBLEMS. ONE OF MOST DIFFICULT ISSUES MAY BE TUNISIAN DESIRE THAT ALL FUNDS SPENT BY GOT AGENCIES BY EXPENDED IN ACCORDANCE WITH TUNISIAN GOVERNMENT BUDGETARY PROCESSES. ON OTHER HAND, WE BELIEVE WE WOULD HAVE TO PRESENT VERY STRONG CASE TO CONVINCE GOT THAT MODEL AGREEMENT APPROACH NOT

FEASIBLE.

4. RECOMMENDATIONS: IN VIEW OF ABOVE AND UNLESS CONCEPT OF MODEL AGREEMENT TOTALLY UNACCEPTABLE, WE SUGGEST THAT EMBASSY BE AUTHORIZED TO RESPOND TO MOFA NOTE (COPY POUCHED NEA/AFN) WITH NOTE SAYING USG AGREES IN PRINCIPLE TO NEGOTIATE MODEL AGREEMENT. AT THIS POINT WE COULD ALSO URGE THAT GOT APPROVE PENDING SFCP PROJECTS AND, IF NECESSARY, SUGGEST POSSIBILITY THAT MODEL AGREEMENT WHEN NEGOTIATED WOULD BE MADE RETROACTIVE TO COVER ALL PROJECTS SIGNED AFTER GIVEN DATE (EXCEPT EPA PROJECT WHICH WE HOPE WILL BE APPROVED UNCONDITIONALLY SOON). WASHINGTON AGENCIES SHOULD FORWARD TEXT OF ADMINISTRATIVE LANGUAGE ACCEPTABLE TO ALL AGENCIES WHICH EMBASSY COULD PASS TO GOT FOR CONSIDERATION. DEPENDING UPON EXTENT OF GOT COUNTERPROPOSALS, AT SOME POINT IT MIGHT BE NECESSARY TO SEND TO TUNISIA LEGAL EXPERT EMPOWERED BY INTERESTED AGENCIES TO MAKE COMPROMISES NEEDED TO REACH AGREEMENT.

5. ACTION REQUESTED: WE WOULD APPRECIATE WASHINGTON COMMENTS ON SUGGESTED SCENARIO ABOVE.
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